

REMARKS

Applicant respectfully requests that the amendments and remarks contained herein be filed in the form of a preliminary amendment upon entry into the U.S. national phase, as a substantive response on matters raised in the International Preliminary Examination Report dated 16 November 2004.

Comments regarding Item III. Non-Establishment Of Opinion With Regard To Novelty, Inventive Step and Industrial Applicability

Claims 20, 28-30, 32, 42, 44-46, and 53(part), were not searched by the International Searching Authority due to obscurities and therefore no opinion was established. The obscurities have been corrected.

Claim 20 now depends from claim 17 which was searched. Therefore, claim 20 would be considered allowable to the extent that claim 17 is eventually found to be allowable. Likewise, claims 28-30 depend from claim 27; claim 32 depends from claim 31; claim 42 depends from claim 41; claims 44-46 depend from claim 41 or 43; claim 53(part) depends from claim 1. Therefore, each claim not searched is of a narrower scope than the subject matter searched.

Comments regarding Item V. Reasoned Statement Under Article 35(2) With Regard To Novelty, Inventive Step Or Industrial Applicability

Claims 1-8, 12, 17-19, 21-27, 31, 33, 34, 35-40 and 43 are argued to lack novelty. Claims 1-8, 12-19, 21-27, 31, 33-40 and 43 are argued to lack an inventive step. Applicant respectfully disagrees for the reasons set forth herein.

Regarding claims 1, 4 and 5, Document D1 is cited as disclosing a radiation sensitive diacetylene in a film device comprising polyethyleneimine as a polymeric binder wherein the diacetylene undergoes an observable change by polymerizing to form a coloured image when contacted with radiation.

Document D1 only recites a film and fails to recite a thick object with an aspect ratio of less than 20:1. Therefore, Document D1 does not destroy the novelty of the claims as amended.

Furthermore, Document D1 would not lead one of skill in the art to consider the application and use of a thick device and would provide no guidance regarding the technical requirements to manufacture such a device. As a result the claims, as amended, represent an inventive step.

Claims 2, 3, 6, 12-19, 21-27, 31 and 33-40 each ultimately depend from claim 1. The comments regarding the failure of Document D1 to destroy the novelty, or inventive step, of claim 1 applies to each claim depending from claim 1 equally.

Claims 41 and 43 also recite a device with an aspect ratio of less than 20:1. The arguments set forth for claim 1 apply to claims 41 and claim 43 equally.

Document D2 is cited without comment. Document D2 is specific to a lithographic printing plate. While not specifically reciting an aspect ratio it is clear from the example that the device is on the order of mm in thickness with a surface area of about 87.5 cm². This is clearly not novelty destroying for a device with an aspect ratio of less than 20:1. Furthermore, Document D2 does not provide any teachings which would lead one of skill in the art to consider a thick device as set forth in the amended claims.

Document D3 is cited as disclosing microencapsulated dyes and various ingredients. As set forth in the examples the thickness of the device is on the order of about 12.85 mm. One of skill in the art would immediately realize that this neither teaches nor leads one to a thick device as set forth in the amended claims.

Document D4 clearly recites a thickness of about 0.045 mm and a surface area of about 1 cm². This document also fails to teach a thick device or lead one of skill in the art to a thick device.

Document D5 demonstrates the absorbance as a function of thickness. Even at the largest thickness level recited the device is still a thin film and does not approach a thick device as set forth in the claims. Furthermore, the data indicates that a thick device would not be desirable since there appears to be no benefit over about 40 mm thickness. Document D5 leads one of skill in the art against attempting a thick device.

Documents D6 and D7 represent redundant art in that they merely present test results on existing dosimeters. There is no teaching in either document which would lead one of skill in the art to a thick device as set forth in the claims.

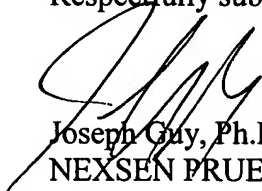
Claims 1-8, 11-19, 21-27, 31, 33, 34, 35-40 and 43 are argued to lack industrial applicability. Applicants respectfully disagree for the reasons set forth herein.

In light of the foregoing arguments, the industrial applicability is clearly presented as a three-dimensional imaging device as opposed to the two-dimensional devices currently described.

SUMMARY

The present application is specific to a three-dimensional, or thick, imaging device. The International Search Report and International Preliminary Examination Report failed to consider the thickness and based the results on a comparison with thin films. In an effort to advance the application to allowance at the national level the thickness has been more clearly defined in the claims.

Respectfully submitted,


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Date

9 Feb 05